

Message Text

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ACTION SCSE-00

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FM AMCONSUL MATAMOROS

TO SECSTATE WASHDC PRIORITY 0104

AMEMBASSY MEXICO

UNCLAS MATAMOROS 0053

E.O. 11652: N/A

TAGS: CASC, MX - (MAINFORD, GUY ELMER)

SUBJECT: CASE REVIEW

REF: UNCLAS STATE 217586; AND STATE 217863

FOR: (SCA/SCS)

1. CONSULAR VISITS--ON FRIDAY 12 SEP 75 CONSUL MADE ROUTINE VISIT TO REYNOSA JAIL, REGRETTABLY PRIOR TO RECEIPT REFTEL. SUBJECT AS USUAL REFUSED CONSULAR INTERVIEW, SIMPLY RETURNING WRITTEN NOTIFICATION WITHOUT COMMENT. CONSUL INFORMED BY PRISON PERSONNEL THAT SUBJECT ENJOYS GOOD HEALTH, HAS RECORD OF EXEMPLARY CONDUCT, SEEMS REASONABLY CHEERFUL AND IS WORKING STEADILY AT HIS COMMISSIONED JOB AS HE HAS SINCE THE BEGINNING OF HIS TERM.

2. COMMENT: MAINFORD'S STEADY REFUSAL TO SEE CONSULAR OFFICER FOR ALMOST ONE YEAR SHOULD BE VIEWED IN CONTEXT. IT IS NOT NECESSARILY AN EXPRESSION OF RESENTMENT, AND CERTAINLY APPEARS TO BE NOTHING PERSONAL, BUT JUST EXPRESSES HIS SCORN THAT THE USG AND ITS CONSULAR OFFICERS ARE UNABLE TO OBTAIN DIRECT RELEASE OF AMCIT PRISONERS. HE HAS IN PAST FREQUENTLY STATED THAT SINCE, AS I EXPLAINED TO HIM, THE CONSULAR CONVENTION RESPECTS JUDICIAL PROCESS OF EACH COUNTRY, HE HAS DELIBERATELY OPTED TO WORK WITH AND WITHIN THE MEXICAN PROCESS, TAKING ADVANTAGE OF EVERY OPPORTUNITY THE LIBERAL PENAL CODE AFFORDS. FROM ALL REPORTS, HE IS DOING EXACTLY THAT, QUITE SUCCESSFULLY. HE THEREFORE SEES NO POINT IN ROUTINE CONSULAR VISITS WHICH CANNOT ADVANCE HIS CAUSE. WARDEN TELLS ME SUBJECT IS

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CONSIDERED THE "DEAN" OF INMATES, HAS GREAT PRESTIGE AND

INFLUENCE WITH INMATES, AND USES THIS INFLUENCE TO PERSUADE MALCONTENTS TOWARD GOOD CONDUCT AND EVEN CHANGED ATTITUDES. AS RESULT, WARDEN AND ASSISTANTS HAVE TAKEN SPECIAL INTEREST HIS CASE, SEND FREQUENT FAVORABLE REPORTS ON HIM TO THE "DIRECCION GENERAL DE SERVICIOS COORDINADOS DE PREVENCIÓN Y READAPTACIÓN SOCIAL" (I.E., THE FEDERAL PAROLE BOARD).

IN FACT, PRISON SECRETARY LAST FRIDAY TOLD CONSUL THAT PAROLE BOARD REP INTERVIEWED SUBJECT RECENTLY, ORDERED MEDICAL AND PSYCHOLOGICAL EXAMINATIONS PREPARATORY TO DETERMINATION WHETHER SPECIAL REDUCTION HIS SENTENCE MAY BE GRANTED. HE APPARENTLY HAS ALREADY BEEN GRANTED WORK CREDITS TOWARD SUCH REDUCTION OF SENTENCE EVEN DURING PERIOD WHEN HE HAD AN APPEAL PENDING WHICH IS AN UNUSUAL CONCESSION (AND ILLUSTRATIVE OF THE VARIATION IN INTERPRETATION OF THE REGULATIONS - SEE MATAMOROS 0051).

I SEE NOTHING MUCH TO BE GAINED BY INSISTENCE ON CONSULAR INTERVIEW OVER SUBJECT'S OBJECTION. SUBJECT IS AN OLD (64) FELON, ONCE TOLD ME HE HAS SPENT MORE THAN HALF HIS LIFE BEHIND BARS, AND FINDS THIS JAIL "MORE COMFORTABLE THAN MOST." I SUGGEST EVEN A CONVICTED FELON HAS RIGHT TO PRIVACY IF HE SO CHOOSES.

3. RE "PROPERTY"-- AS EXPLAINED IN NOTE OF 10-11-74, THE FUSS WAS OVER SUPPOSED "PROPERTY RIGHTS" TO THE USE OF A PARTICULAR CELL, NOT TO ANY TANGIBLE PROPERTY. THIS MEANT MUCH TO SUBJECT AT THAT TIME, BUT WAS CLEARLY CONTRARY TO INTERNAL PRISON RULES. THIS WAS LAST PROBLEM SUBJECT SEEMS TO HAVE HAD.

4. CHARGES: BOTH FORGERY (PASSING BAD CHECKS) AND ATTEMPT TO SELL AUTO STOLEN IN US WERE CHARGES CONSIDERED BY COURT IN SENTENCE. WE HAVE ASKED WARDEN FOR COPY OF SENTENCE, INCLUDING REMARKS OF JUDGE.

5. FOR AMEMB MEXICO: RESPECTFULLY SUGGEST, IN REGARD TO PARA.(2) OF STATE 217863, THAT LIC. MENDOZA MIGHT SEEK "CLARIFICATION" AND GENERAL INFORMATION ON PROCEDURES DIRECTLY FROM "DIRECCION GENERAL DE SERVICIOS COORDINADOS ... ETC." UNCLASSIFIED

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SINCE THIS BODY CHARGED WITH APPLICATION OF "LEY DE NORMAS MINIMAS" TO ALL FEDERAL PRISONERS THROUGHOUT MEXICO. SMITH

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